



DEC 28 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Ladas & Parry  
224 South Michigan Avenue  
Suite 1200  
Chicago, IL 60604

In re Application of :  
KROPF et al. :  
Application No.: 09/936,747 : NOTIFICATION  
PCT No.: PCT/EP00/01829 :  
Int. Filing Date: 03 March 2000 :  
Priority Date: 12 March 1999 :  
Attorney's Docket No.: CU-2655 RJS :  
For: USE OF NANOSCALAR WATER SOLUBLE :  
 $\beta$ -(1,3) GLUCANS :

This notification is in response to applicant's "STATEMENT ACCOMPANYING NEW U.S. PATENT APPLICATION TO ACCORD FILING DATE OF SEPTEMBER 12, 2001 UNDER 35 USC 21(a)" filed 17 September 2001.

#### **BACKGROUND**

On 17 September 2001, applicants submitted a transmittal letter for entry into the U.S. national stage (Form PTO-1390) and the U.S. Basic National Fee. This submission was assigned Application Number 09/936,747. On 17 September 2001, applicants also submitted the instant "STATEMENT ACCOMPANYING NEW U.S. PATENT APPLICATION TO ACCORD FILING DATE OF SEPTEMBER 12, 2001 UNDER 35 USC 21(a)" requesting that the above-identified papers be accorded a receipt date of 12 September 2001.

#### **DISCUSSION**

In the "STATEMENT ACCOMPANYING NEW U.S. PATENT APPLICATION TO ACCORD FILING DATE OF SEPTEMBER 12, 2001 UNDER 35 USC 21(a)", applicants request that the papers filed 17 September 2001 be accorded a receipt date of 12 September 2001 because the United States Post Office at 211 South Clark Street in Chicago would neither date-stamp the Express Mail label nor accept the Express Mail envelope on 12 September 2001.

On 13 September 2001, the USPTO designated the refusal of certain post offices to accept the deposit of mail for delivery by Express Mail as a postal service interruption and emergency within the meaning of 35 U.S.C. 21(a).

37 CFR 1.6(e) provides:

If interruptions or emergencies in the United States Postal Service which have been so designated

by the Commissioner occur, the Patent and Trademark Office will consider as filed on a particular date in the Office any correspondence which is:

- (1) Promptly filed after the ending of the designated interruption or emergency; and
- (2) Accompanied by a statement indicating that such correspondence would have been filed on that particular date if it were not for the designated interruption or emergency in the United States Postal Service.

Applicants have established that the United States Post Office at 211 South Clark Street in Chicago refused to accept the deposit of mail for delivery by Express Mail (Statement of Richard J. Streit) on 12 September 2001. Thus, it has been established that applicants were subject to a designated postal service interruption and emergency on 12 September 2001. Applicants indicate that the above-identified application would have been filed on 12 September 2001 if not for the designated interruption of emergency in the United States Postal Service (Statement of Richard J. Streit). Also, the above-identified application was filed promptly after the ending of the designated interruption or emergency. Accordingly, the request that the application be accorded a filing date of 12 September 2001 is granted.

#### CONCLUSION

For the reasons set forth above, the application has been accorded a receipt date of 12 September 2001 in accordance with 37 CFR 1.6(e).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including: (1) date-stamping the transmittal letter (Form PTO-1390) 12 September 2001; (2) changing the receipt date of the application in PALM to 12 September 2001; and (3) preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring a translation of the application into English, the processing fee under 37 CFR 1.492(f) for providing the translation later than thirty months from the priority date, an oath or declaration in compliance with 37 CFR 1.497(a)-(b), and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date.



Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (703) 308-2066  
Facsimile: (703) 308-6459